

immediately construct the station.

6. The Commission consolidated RJM's original petition into Dockets 89-326 and 89-327 in its Memorandum Opinion and Order MM Docket 84-231, FCC 90-52, released February 20, 1990, in response to the D.C. Circuit Court's decision in Reeder v. FCC, 865 F.2d 1298 (D.C. Cir. 1989). In its Memorandum Opinion and Order, FCC 90-52, the Commission states that RJM's petition (RM-6840) conflicts with a proposed upgrade of WNMB(FM), North Myrtle Beach, South Carolina, submitted by WNMB's licensee, Ogden Broadcasting of South Carolina, Inc. ("Ogden") (RM-7305). In order to upgrade WNMB, Ogden proposed the substitution of Channel 235A for Channel 290A at Loris, South Carolina, and the substitution of Channel 291A for Channel 290A at St. Stephen, South Carolina. It is the proposed substitution at St. Stephen which conflicts with RJM's proposal, in that the use of Channel 291A at St. Stephen precludes the allotment of Channel 292A at Stallville (or Ladson, as counterproposed herein).

7. RJM attempted to find an alternative channel swap for St. Stephen, however, none appear to work. Failing this, RJM sought to find an alternative channel for North Myrtle Beach which would not require the proposed substitution at St. Stephen. RJM found no method which Ogden could alternately use to upgrade WNMB without having to change some existing licensed and/or granted channels, and which would not ultimately preclude other

counterproposals also existing within this consolidated docket.

8. The Commission has set forth in its Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982) the following allotment priorities:

- 1 - First aural service.
- 2 - Second aural service.
- 3 - First local service.
- 4 - Other public interest matters.

Priorities 2 and 3 have co-equal weight.

RJM's counterproposal in RM-6840, and its alternative advanced herein, falls under priority 3, since RJM seeks allotment to a community presently without local service. RM-7305, Ogden's proposed upgrade of WNMB(FM) and the associated substitutions at Loris and St. Stephen, falls under priority 4, "other public interest matters". Additionally, since the Myrtle Beach and Charleston metro areas are heavily radioed areas, RJM could find no provision of first or second aural service resulting from either proposal, thus limiting both to their initial allotment priorities. Therefore, RJM's counterproposal (and its alternative) must be favored over Ogden's counterproposal based upon the Commission's stated allotment priorities as set forth in its Revision of FM Assignment Policies and Procedures.

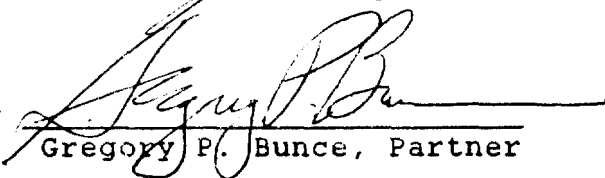
WHEREFORE, in the light of the foregoing, RJM requests that the Commission grant its counterproposal and

allot Channel 292A to Ladson, South Carolina, as its first commercial FM assignment, and deny Ogden's counterproposal seeking to substitute Channel 291A for Channel 290A at St. Stephen, South Carolina.

Respectfully submitted,

RJM Broadcasting

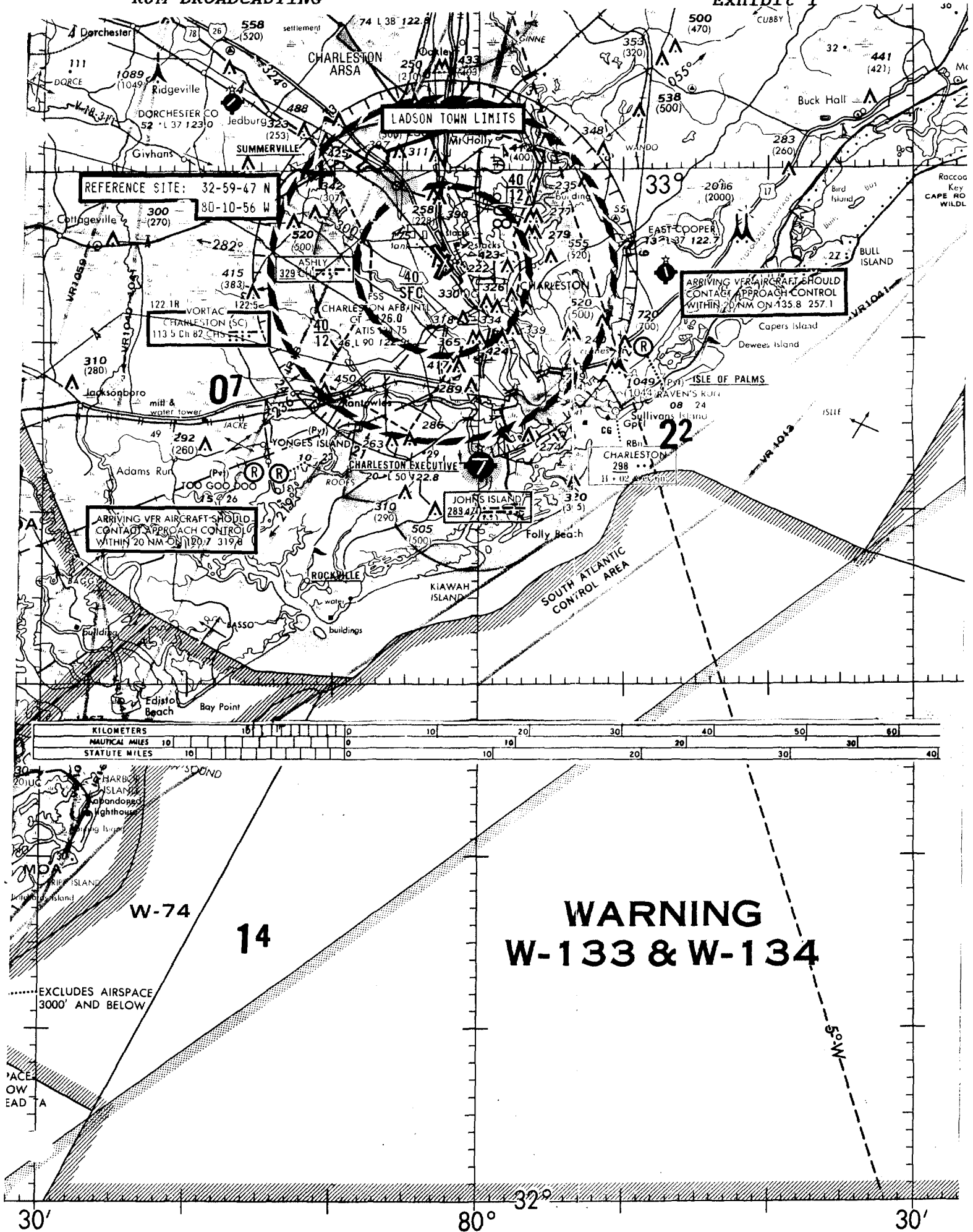
By


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March 28, 1990



CERTIFICATE OF SERVICE

I, Gregory P. Bunce, do hereby certify that on this 28th day of March, 1990, I have caused to be mailed, via first class mail, postage prepaid, a copy of the foregoing "Comments and Counterproposal" to the following:

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